

REMARKS/ARGUMENTS

Claims 17-20 and 20-32 are pending in the application.

Applicants hereby affirm the election of species I, claims 17-22 and 28-32, now claims 17-20, 22 and 28-32, to which the claims should be restricted if no generic claim is finally held to be allowable. Claims 22, 23, 28 and 30 have been amended to address the 35 USC § 112 rejections.

In addition, to more clearly define applicants' inventive concept, claim 17 has been amended by incorporating therein the feature of previously submitted claim 21, namely that a friction-increasing component (25, 26, 28, 29, 30) is disposed between the counter-bearing (23) and a first thread of the spiral toothing (19). Claim 17 has furthermore been amended to clarify the fixed arrangement of the spiral toothing (19) on the carrier shaft (18). Support for this feature can be found on page 12, lines 6-11, of the specification, in claim 20, and in the drawing figures.

Pursuant to the present invention, the electric motor 16 brings about rotation of the carrier shaft 18, on which is fixedly disposed a worm or spiral toothing 19, for driving the belt shaft 12 in the belt retraction direction when a tensioning process is initiated. When at the conclusion of the tensioning process, under the load of the strapped-in occupant, the direction of rotation of the belt shaft reverses into a rotation in the belt withdrawal or unwinding direction, this rotation of the carrier shaft 18 with the spiral toothing 19 is prevented pursuant to the present invention. Since the spiral toothing 19 is fixedly disposed on the carrier shaft 18, it must be ensured that in the one direction of rotation of the fixed spiral toothing, in other words in the belt retraction direction, a

free rotation of the spiral toothing is possible, whereas the rotation of the spiral toothing in the other direction of rotation, in other words in the belt withdrawal direction, is blocked. This blocking of the spiral toothing in only one direction of rotation is inventively realized pursuant to amended claim 17 in that the leading or first thread of the spiral toothing (19), as viewed in the direction of rotation of the spiral toothing in the belt withdrawal direction, rests against a friction-increasing component (25, 26, 28, 29, 30) that is disposed between the counter-bearing (23) and the first thread of the spiral toothing (19), so that upon beginning of rotation of the spiral toothing in the belt withdrawal direction, the spiral toothing is blocked in this direction of rotation.

Claim Rejections – 35 USC § 102

The Examiner has rejected, among others, claims 17 and 21 under 35 USC 102 (b) over Fernandez. It is respectfully submitted that this reference differs significantly from applicants' belt shaft retractor as defined in amended claim 17. In particular, with Fernandez the worm 54 has an entirely different function. First of all, the worm 54, in contrast to applicants' belt shaft retractor as defined in amended claim 17, is not fixedly disposed on the shaft 18; rather, the worm 54 of Fernandez is displaceable thereon against the action of the spring 58. This displaceability of the worm 54, which is provided as a function of various movements of the belt strap, or of the shaft 40 as a carrier of the belt strap, is utilized, via the control device 56, 60, to control the electric motor 26 as the drive motor for the shaft 18 via the interposed gears 20, 22.

With regard to applicants' friction-increasing component (25, 26, 28, 29, 30) of former claim 21, the Examiner states on page 6 of the office action that with Fernandez, the brush holder 56 and the spring 58 can be viewed as a friction-increasing component. Applicants respectfully disagree. First of all, the brush holder or arm 56 of the brush set or control device 60 of Fernandez, which is coupled to the worm 54, is freely movable and does not lead to a defined increase of the friction. In addition, the spring 58 merely has a return function for the displaceable worm 54, and therefore would not be viewed by one of skill in the art as a friction-increasing component within the context of the present application.

Pursuant to the present application, after the conclusion of a tensioning process, with rotation of the belt shaft in the belt retraction direction, the function of the friction-increasing component of amended claim 17 is to immediately prevent a turning back of the belt shaft in the belt withdrawal direction. The first thread of the fixedly disposed spiral toothing therefore always and continuously rests against the friction-increasing component, which in turn is supported against the counter-bearing (23). In contrast to this situation, with Fernandez the worm 54 is so-to-speak floatingly guided upon the shaft 18. Since the worm 54 can move axially in both directions, it is not possible with Fernandez to realize the feature of applicants belt shaft retractor that the first thread of the worm guidance in Fernandez always and continuously rests against a friction-increasing component in such a way that upon a rotation of the belt shaft in the belt withdrawal direction an immediate blocking of this rotation occurs due to cooperation of

a friction-increasing component and the first thread of a spiral toothing, as required by applicants' amended claim 17.

With regard to the construction of the Fernandez device, it should be noted that the worm 54 rests against a carried-along support member (which has no reference numeral but is disposed at the left end of the spiral toothing on the shaft 18); it is only this also movable support member that is then in contact with the return spring 58. Thus, in contrast to the present invention, Fernandez does not provide for an always free rotation of the spiral toothing in the belt retraction direction while rotation of the spiral toothing in the belt withdrawal direction is immediately blocked. Rather, Fernandez emphasizes that the spiral toothing can freely rotate not only in the belt retraction direction but also in the belt withdrawal direction. Only when a crash occurs, and with a correspondingly high application of force, does the worm 54 of Fernandez operate to block the belt in the belt withdrawal direction. As indicated in column 11, lines 53 – 63, of Fernandez, this blocking of the belt is brought about in that the worm 54 and the worm wheel 52 meshingly engage one another upon an appropriate loading in the belt withdrawal direction 13. Thus, it is respectfully submitted that Fernandez proposes an entirely different technical feature for the blocking of the rotation of the spiral toothing. In particular, this blocking is not comparable to applicants' support of the first thread of the spiral toothing (19) against a friction-increasing component that is in turn supported by the counter-bearing (23), all as required by amended claim 17.

In summary, it is respectfully submitted that applicants' amended claim 17 patentably differs from the cited reference to Fernandez. Whereas Fernandez enables

rotation of the worm 54 in both directions of rotation, pursuant to applicants' belt shaft retractor as defined in amended claim 17 a rotation of the spiral toothing 19 is permitted only in the belt retraction direction, whereas in the belt withdrawal direction a blocking of rotation occurs due to the fact that the first thread of the spiral toothing (19) rests against the friction-increasing component (25, 26, 28, 29, 30). Thus, pursuant to MPEP § 2131, Fernandez cannot anticipate amended claim 17 since it does not teach every element of the claim, and certainly not "in as complete detail as is contained in the ... claim".

In view of the foregoing discussion, applicants respectfully request reconsideration of the allowability of pending claims 17-20 and 20-32. In addition, applicants respectfully request that the withdrawn claims be reintroduced into the application.

Respectfully submitted,



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